HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ petition No.13529 of 2007

Dated: December 27, 2007

Between:

G. Mani Kumar @ Babji, S/o. Anand Rao,
Aged about 33 years, R/o. Sakinetipalli
Village and Mandal, East Godavari District.

… Petitioner

And

The Superintendent of Police,
East Godavari at Kakinada, and another.

… Respondents

Order:

In this writ petition, petitioner seeks declaration by way of Mandamus to declare the action of the respondents in not closing rowdy sheet opened against him in the year 2002 as arbitrary and illegal.

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Home appearing for respondents.

3. Petitioner was involved in Cr.No.30/97 registered for the alleged offences under Section 376(G) r/w Sections 511 and 34 of the Indian Penal Code and also in Cr.No.22/2002 registered for the

alleged offence under Section 302 r/w Section 34 I.P.C, on the file of Sakinetipalli Police Station. In view of the involvement of the petitioner in the aforesaid crimes, a rowdy sheet was opened against him as per Police Standing Order 742.

4. The case of the petitioner is that though he is acquitted of the charges in the aforesaid crimes, the rowdy sheet opened against him is being continued and is not being reviewed in the absence of his further involvement in any crime.

5. Respondent No.2 has filed counter affidavit. In the counter affidavit, except referring to Crime Nos.30/1997 and 22/2002, no further cases, which are registered against the petitioner, are referred to. It is further stated that the rowdy sheet opened against the petitioner is being reviewed from time to time and is valid up to 31-12-2007.

6. Earlier, opening of rowdy sheet was governed by Standing Order 742 of the Police Standing Orders. But, however, in the place of old Standing Orders, new Police Standing Orders are brought into force and presently, opening of rowdy sheet and its continuance, are governed by Standing Order 601 of A.P Police Manual. In the case of **S. Satyanarayana Vs. State of Andhra Pradesh**[1], this Court held that the rowdy sheet opened, cannot be continued mechanically and it has to be reviewed periodically.

7. As it is stated that the aforesaid two cases, in which the petitioner was involved, ended in acquittal after trial and there is no further involvement of the petitioner in any other crimes, I dispose of the Writ

Petition directing the respondents to review the necessity of continuance or otherwise of the rowdy sheet opened against the petitioner, by taking into account his acquittal in criminal proceedings and his non-involvement in other criminal cases and pass appropriate orders within a period of four (4) weeks from the date of receipt of this order and communicate the same to him.

8. The writ petition is accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 27, 2007
MRR

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[1] **1999 (6) ALT 249**